IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7784 OF 2005

Bharat Sanchar Nigam Ltd. ... Petitioner

V/s

Smt. Manilalji Padaya and another. ... Respondents

Mrs. N.V. Masurkar holding for Mrs. V.S. Masurkar for the petitioner.

Mr. B.S. Dhuri for the respondents.

CORAM: H.L. GOKHALE &
J.H. BHATIA, JJ.

DATED: 17TH JULY, 2006

P.C.:

1. Heard Mrs. Masurkar in support of this petition. Mr. Dhuri appeared for the respondents.

2. Rule. Rule made returnable forthwith.

3. The petitioner management is aggrieved by the order passed by the Presiding Officer, Central Government Industrial Tribunal No.1 closing the matter for written argument to be filed. This order is passed on 20th October, 2005. Mrs. Masurkar points out that, as far

as the 1st respondent workman is concerned, evidence was led on her behalf and she was cross-examined. All this happened in February, 2004. Thereafter the management was to file its affidavit. That was to be done in November, 2004 but because of the Officer being on leave same could not be filed. Thereafter there was no Presiding Officer in the Tribunal until some times in October, 2005 when a new Judge was appointed. The grievance is that, after the new Judge is appointed he has straight way kept the matter for filing written argument without giving an opportunity to the petitioners to lead their evidence.

4. Mr. Dhuri appearing for the respondents has filed reply and drawn our attention to the contents thereof. From these contents however it is not possible to say that what is averred in the petition is in any way wrong. Ms. Masurkar has a certified true copy of the roznama which bears what she has argued before us. In the circumstances, we allow this petition and set aside the noting made by the Judge directing the order for filing written argument. The petitioners will be permitted to lead evidence and thereafter the parties will be allowed to adduce their argument leading to the judgment thereafter.

5. Ms. Masurkar informs that the matter is fixed tomorrow i.e. on 18th July, 2006 and she will seek an adjournment and on the adjourned date the petitioners may lead the evidence.

6. Rule is made absolute as above. Petition disposed of.

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(H.L. Gokhale, J.)

(J.H. Bhatia, J.)